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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Draft resolution submitted by the Chair

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The General Assembly,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2012,[1]

Recalling all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its sixty-sixth session on the individual Territories covered by the present resolutions,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

[1] To be issued as *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 23* (A/67/23), chap. IX.

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Recalling its resolution 1541 (XV), containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

Expressing concern that fifty-two years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[2] there still remain a number of Non-Self-Governing Territories,

Conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2020 and the plans of action for the Second and Third International Decades for the Eradication of Colonialism,[3]

Recognizing that the specific characteristics and the aspirations of the peoples of the Territories require flexible, practical and innovative approaches to the options for self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

Noting the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland and the stated position of the Government of the United States of America on the Non-Self-Governing Territories under their administration,

Noting also the constitutional developments in some Non-Self-Governing Territories affecting the internal structure of governance about which the Special Committee has received information,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must take place with the active involvement and participation of the people of that Territory, under the aegis of the United Nations, on a case-by-case basis, and that the views of the peoples of the Non-Self-Governing Territories in respect of their right to self-determination should be ascertained,

Noting that a number of Non-Self-Governing Territories have expressed concern at the procedure followed by some administering Powers, contrary to the wishes of the Territories themselves, of amending or enacting legislation for application to the Territories, either through orders in council, in order to apply to the Territories the international treaty obligations of the administering Power, or through the unilateral application of laws and regulations,

Aware of the importance of the international financial services and tourism sectors for the economies of some of the Non-Self-Governing Territories,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including participation in the work of regional organizations,

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[2] Resolution 1514 (XV).

[3] See A/56/61, annex, and resolution 65/119.

Mindful that United Nations visiting and special missions provide an effective mean of ascertaining the situation in the Territories, that some Territories have not received a United Nations visiting mission for a long time and that no visiting missions have been sent to some of the Territories, and considering the possibility of sending further visiting missions to the Territories at an appropriate time, in consultation with the relevant administering Powers and in accordance with the relevant resolutions and decisions of the United Nations on decolonization,

Mindful also that, in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for it to be apprised by the relevant administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Acknowledging the regular transmission by the administering Powers to the Secretary-General of information called for under Article 73 *e* of the Charter,

Aware of the importance both to the Territories and to the Special Committee of the participation of elected and appointed representatives of the Territories in the work of the Committee,

Recognizing the need for the Special Committee to ensure that the appropriate bodies of the United Nations actively pursue a public awareness campaign aimed at assisting the peoples of the Territories in gaining a better understanding of the options for self-determination,

Mindful, in this connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters, with the active participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in the context of a United Nations programme for ascertaining the political status of the Territories,

Noting the stated positions of the representatives of the Non-Self-Governing Territories before the Special Committee and at its regional seminars,

Mindful that the 2012 Pacific regional seminar was held in Quito from 30 May to 1 June 2012,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation, and, in this connection, bearing in mind the applicability to the Territories of the programmes of action or outcome documents of all United Nations world conferences and special sessions of the General Assembly in the economic and social spheres,

Noting with appreciation the contribution to the development of some Territories by the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Asia and the Pacific, as well as regional institutions such as the Caribbean Development Bank, the Caribbean Community, the Organization of Eastern Caribbean States, the Pacific Islands Forum and the agencies of the Council of Regional Organizations in the Pacific,

Noting the statement by the representative of the Economic Commission for Latin America and the Caribbean at the Caribbean regional seminar, held in Kingstown, from 31 May to 2 June 2011, that all six Caribbean Non-Self-Governing Territories are active associate members of the Economic Commission,

Aware that the Human Rights Committee, as part of its mandate under the International Covenant on Civil and Political Rights,[4] reviews the status of the self-determination process, including in small island Territories under examination by the Special Committee,

Recalling the ongoing efforts of the Special Committee in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

Recognizing that the annual working papers prepared by the Secretariat on developments in each of the small Territories,[5] as well as the substantive documentation and information furnished by experts, scholars, non-governmental organizations and other sources, have provided important inputs to update the present resolutions,

Recalling the report of the Secretary-General on the Second International Decade for the Eradication of Colonialism,[6]

1. *Reaffirms* the inalienable right of the peoples of the Non-Self-Governing Territories to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Also reaffirms* that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

3. *Further reaffirms* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection reiterates its long-standing call for the administering Powers, in cooperation with the territorial Governments and appropriate bodies of the United Nations system, to develop political education programmes for the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

4. *Stresses* the importance of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples being apprised of the views and wishes of the peoples of the Territories and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the Non-Self-Governing Territories and their respective administering Powers;

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[4] See resolution 2200 A (XXI), annex.

[5] A/AC.109/2012/2-11 and 13.

[6] A/65/330 and Add.1.

5. *Requests* the administering Powers to continue to transmit regularly to the Secretary-General information called for under Article 73 *e* of the Charter;

6. *Calls upon* the administering Powers to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Special Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the Territories, and encourages the administering Powers to facilitate visiting and special missions to the Territories;

7. *Reaffirms* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and, as a priority, to mitigate the effects of the current global financial crisis where possible, in consultation with the territorial Governments concerned, towards the strengthening and diversification of their respective economies;

8. *Requests* the Territories and the administering Powers to take all measures necessary to protect and conserve the environment of the Territories against any degradation, and once again requests the specialized agencies concerned to continue to monitor environmental conditions in the Territories and to provide assistance to those Territories, consistent with their prevailing rules of procedure;

9. *Welcomes* the participation of the Non-Self-Governing Territories in regional activities, including the work of regional organizations;

10. *Stresses* the importance of implementing the plans of action for the Second and Third International Decades for the Eradication of Colonialism,[3] in particular by expediting the application of the work programme for the decolonization of each Non-Self-Governing Territory, on a case-by-case basis, as well as by ensuring that periodic analyses are undertaken of the progress and extent of the implementation of the Declaration in each Territory, and that the working papers prepared by the Secretariat on each Territory should fully reflect developments in those Territories;

11. *Urges* Member States to contribute to the efforts of the United Nations to usher in a world free of colonialism within the context of the International Decades for the Eradication of Colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

12. *Stresses* the importance of the various constitutional exercises in the respective Territories administered by the United Kingdom of Great Britain and Northern Ireland and the United States of America, and led by the territorial Governments, designed to address internal constitutional structures within the present territorial arrangements, and decides to follow closely the developments concerning the future political status of those Territories;

13. *Requests* the Secretary-General to continue to report to the General Assembly on a regular basis on the implementation of decolonization resolutions adopted since the declaration of the Third International Decade for the Eradication of Colonialism;

14. *Reiterates its request* that the Human Rights Committee collaborate with the Special Committee, within the framework of its mandate on the right to self-determination as contained in the International Covenant on Civil and Political

Rights,[4] with the aim of exchanging information, given that the Human Rights Committee is mandated to review the situation, including political and constitutional developments, in many of the Non-Self-Governing Territories that are within the purview of the Special Committee;

15. *Requests* the Special Committee to continue to collaborate with the Economic and Social Council and its relevant subsidiary intergovernmental bodies, within the framework of their respective mandates, with the aim of exchanging information on developments in those Non-Self-Governing Territories which are reviewed by those bodies;

16. *Also requests* the Special Committee to continue to examine the question of the Non-Self-Governing Territories and to report thereon to the General Assembly at its sixty-eighth session and on the implementation of the present resolution.

B

Individual Territories

The General Assembly,

Referring to resolution A above,

I

American Samoa

Taking note of the working paper prepared by the Secretariat on American Samoa[7] and other relevant information,

Noting the statement made by the representative of the Governor of American Samoa at the Pacific regional seminar, held in Quito from 30 May to 1 June 2012, that the Territory's position that it should be removed from the United Nations list of Non-Self-Governing Territories continued to hold, that it was time to make political and economic progress while respecting the concerns of the administering Power and the United Nations, and that there was a need for a more structured approach to determine the will of the people with a detailed workplan on how best to gauge the people's will on political status,

Aware that under United States law the Secretary of the Interior has administrative jurisdiction over American Samoa,[8]

Recalling the position of the administering Power and the statements made by representatives of American Samoa in regional seminars, including at the 2011 Caribbean regional seminar, inviting the Special Committee to send a visiting mission to the Territory,

Aware of the work of the Future Political Status Study Commission, completed in 2006, the release of its report, with recommendations, in January 2007, and the creation of the American Samoa Constitutional Review Committee in the Territory, as well as the holding in June 2010 of American Samoa's fourth Constitutional Convention,

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[7] A/AC.109/2012/11.

[8] United States Congress, 1929 (48 U.S.C. Sec. 1661, 45 Stat. 1253), and Secretary's Order 2657, Department of the Interior, United States of America, 1951, as amended.

Noting, in that regard, the statement made by the representative of the Governor of American Samoa at the 2012 Pacific regional seminar and previous policy papers presented to the Special Committee stating that, against a backdrop of a decades-long popular preference for integration with the United States of America, the Territory wished to move forward on political status, local autonomy and self-governance issues, as well as remarks made by the Governor and the United States Congressman representing American Samoa, in 2012, on the issue of reviewing the territory's relationship with the United States and looking at options to become more independent, including a compact of free association agreement,

Acknowledging the indication by the territorial Government, including at the 2012 Pacific regional seminar, that the effects of certain federal laws on the Territory's economy give serious cause for concern,

Aware that American Samoa continues to be the only United States Territory to receive financial assistance from the administering Power for the operations of the territorial Government,

1. *Welcomes* the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress;

2. *Expresses once again its appreciation* for the invitation extended in 2011 to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the Governor of American Samoa to send a visiting mission to the Territory, calls upon the administering Power to facilitate such a mission if the territorial Government so desires, and requests the Chair of the Special Committee to take all the steps necessary to that end;

3. *Requests* the administering Power to assist the Territory by facilitating its work concerning a public awareness programme, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

4. *Calls upon* the administering Power to assist the territorial Government in the diversification and sustainability of the economy of the Territory and to address employment and cost-of-living issues;

II
Anguilla

Taking note of the working paper prepared by the Secretariat on Anguilla[9] and other relevant information,

Recalling the holding of the 2003 Caribbean regional seminar in Anguilla, hosted by the territorial Government and made possible by the administering Power, the first time that the seminar had been held in a Non-Self-Governing Territory,

Recalling also the statement of the representative of Anguilla at the Pacific regional seminar held in Quito, from 30 May to 1 June 2012, that the people of the Territory are concerned that they are being denied the full range of decolonization options, while the territorial Government seeks a comprehensive overhaul of the

[9] A/AC.109/2012/2.

current Constitution, in particular a serious reduction in the powers of the Governor under a drafting exercise that began in 2011,

Aware of the follow-up meeting, held after the regional seminar, between the Chair and the Chief Minister of Anguilla, who reiterated the urgent need for a visiting mission,

Noting the internal constitutional review process resumed by the territorial Government in 2006, the work of the Constitutional and Electoral Reform Commission, which prepared its report in August 2006, the holding of public and other consultative meetings in 2007 on proposed constitutional amendments to be presented to the administering Power, and the 2008 and 2011 decisions to set up a drafting team to prepare a new constitution and present it for public consultation in the Territory,

Aware of certain difficulties and tensions in t e relations between the territorial Government and the administering Power regarding budgetary and economic matters,

Noting the participation of the Territory as a member of the Caribbean Overseas Countries and Territories Council, and an associate member in the Caribbean Community, the Organization of Eastern Caribbean States and the Economic Commission for Latin America and the Caribbean,

Aware of the willingness expressed by the Organization of Eastern Caribbean States and the Caribbean Community to assist in the resolution of difficulties being experienced by the territorial Government in respect of its relations with the Government of the United Kingdom of Great Britain and Northern Ireland,

1. *Welcomes* the preparations made for a new constitution and urges that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Notes* the expression of grave concern by the Caribbean Community at the tension between the administering Power and the territorial Government and the deterioration in the Territory's governance arrangements;

4. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

5. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

6. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

7. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

III
Bermuda

Taking note of the working paper prepared by the Secretariat on Bermuda[10] and other relevant information,

Recalling the statement of the representative of Bermuda at the Pacific regional seminar held in Quito, from 30 May to 1 June 2012, that the Territory's circumstances with respect to the issue of independence are unique and its dream of independence persists, albeit temporarily deferred, as the pursuit of independence was not a current top priority for the people of Bermuda,

Conscious of the different viewpoints of the political parties on the future status of the Territory, and noting the results of successive surveys by local media, according to which a majority of respondents did not wish to sever ties with the United Kingdom of Great Britain and Northern Ireland, the administering Power, and a minority was in favour of independence,

Recalling the dispatch of the United Nations special mission to Bermuda in 2005, at the request of the territorial Government and with the concurrence of the administering Power, which provided information to the people of the Territory on the role of the United Nations in the process of self-determination, on the legitimate political status options as clearly defined in General Assembly resolution 1541 (XV) and on the experiences of other small States that have achieved a full measure of self-government,

1. *Stresses* the importance of the 2005 report of the Bermuda Independence Commission, which provides a thorough examination of the facts surrounding independence, and continues to regret that the plans for public meetings and the presentation of a Green Paper to the House of Assembly followed by a White Paper outlining the policy proposals for an independent Bermuda have so far not materialized;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

IV
British Virgin Islands

Taking note of the working paper prepared by the Secretariat on the British Virgin Islands[11] and other relevant information,

Noting the statement of the representative of the British Virgin Islands at the Pacific regional seminar, held in Quito, from 30 May to 1 June 2012, that the interim position of the Territory was to maintain its current relationship with the administering Power, built on mutual respect and a mature partnership, as the

[10] A/AC.109/2012/4.
[11] A/AC.109/2012/6.

Territory continues to grow and generations of British Virgin Islanders attain higher levels of education,

Recalling the view expressed in the statement made by the representative of the British Virgin Islands at the 2011 Caribbean regional seminar that there was scope for further constitutional review with respect to the practical and effective implementation of the provisions of the 2007 Constitution in the Territory,

Aware of the negative impact of the global economic slowdown on the growth of the Territory's financial and tourism services sectors, which was less severe in 2011,

Cognizant of the potential usefulness of regional ties for the development of a small island Territory, and of the Territory's membership in the Caribbean Overseas Countries and Territories Council,

1. *Recalls* the Constitution of the British Virgin Islands, which took effect in 2007, and stresses the importance of continued discussions on constitutional matters, to accord greater responsibility to the territorial Government for the effective implementation of the Constitution and increased levels of education related to constitutional matters;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the efforts made by the Territory to strengthen its financial services and tourism sectors;

4. *Also welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

5. *Further welcomes* the holding, for the first time at the level of heads of territorial Government, on 12 May 2011, of the meeting of the Inter-Virgin Islands Council between the Territory and the United States Virgin Islands;

V
Cayman Islands

Taking note of the working paper prepared by the Secretariat on the Cayman Islands[12] and other relevant information,

Recalling the statement made by the representative of the territorial Government at the Pacific regional seminar, held in Nouméa from 18 to 20 May 2010,

Aware of the work, in accordance with the 2009 Constitution, of the new Constitutional Commission, which serves as an advisory body on constitutional matters,

Conscious of the work of the Cayman Islands Review Committee established by the Premier in 2011 to comment on the relationship between the United Kingdom of Great Britain and Northern Ireland and Cayman Islands,

[12] A/AC.109/2012/7.

Acknowledging that, in spite of the global economic downturn and unemployment issues, the Territory's financial services and tourism industries reportedly rebounded in 2011 and the Government's openness to partnership would facilitate economic activity in the private sector,

Cognizant of the potential usefulness of regional ties for the development of a small island Territory, and of the Territory's membership in the Caribbean Overseas Countries and Territories Council,

1. *Welcomes* the desire, reflected in the 2011 Cayman Islands Review Committee report, to enhance the relationship between the Territory and the administering Power in mutually beneficial ways, with a view to enabling more local autonomy, and stresses the importance of the work of the Constitutional Commission, including on human rights education;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public awareness outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the Territory's active participation in the work of the Economic Commission for Latin America and the Caribbean;

4. *Also welcomes* the efforts made by the territorial Government to implement financial sector management policies, medical and sports tourism initiatives and unemployment alleviation programmes in various economic sectors, including agriculture and the private sector;

VI
Guam

Taking note of the working paper prepared by the Secretariat on Guam[13] and other relevant information,

Noting the statement made by the representative of the Governor of Guam at the Pacific regional seminar, held in Quito, from 30 May to 1 June 2012, that the Territory's colonial status has resulted in a situation where the Chamorro people's survival as a people in their native land is threatened, and that the work of the Guam Commission on Decolonization in 2011 was centred on setting a date for the plebiscite on Chamorro self-determination and identifying the resources to fund an education campaign to inform the community of the political status issue,

Cognizant of the efforts made by the Guam Commission on Decolonization to populate the decolonization registry, as required by public law, and to enhance the ability to expediently register those who have not yet been registered,

Aware that, under United States law, the relations between the territorial Government and the federal Government in all matters that are not the programme responsibility of another federal department or agency are under the general administrative supervision of the Secretary of the Interior,[14]

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[13] A/AC.109/2012/13.

[14] United States Congress, Organic Act of Guam, 1950, as amended.

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory, including at the 2012 Pacific regional seminar, that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act ended in 1997 and that Guam has subsequently established a non-binding plebiscite process for a self-determination vote by the eligible Chamorro voters,

Cognizant of the importance of the administering Power continuing to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Aware of the deep concerns expressed by civil society and others, including at meetings of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly and at the regional seminars, regarding the potential social, cultural, economic and environmental impacts of the planned transfer of additional military personnel of the administering Power to the Territory,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

1. *Welcomes* the convening of the Guam Commission on Decolonization in 2011 and its work on a self-determination vote;

2. *Calls once again upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encourages the administering Power and the territorial Government to enter into negotiations on the matter, and stresses the need for continued close monitoring of the overall situation in the Territory;

3. *Requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

4. *Also requests* the administering Power to assist the Territory by facilitating public outreach efforts, including through the funding of the public education campaign, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to

provide assistance to the Territory, if requested, and welcomes the recent outreach work by the territorial Government, including the convening in 2011 of a Chamorro forum;

5. *Further requests* the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam;

VII
Montserrat

Taking note of the working paper prepared by the Secretariat on Montserrat[15] and other relevant information,

Recalling the statement of the Premier of Montserrat at the Pacific regional seminar, held in Quito, from 30 May to 1 June 2012, that the current relationship with the administering Power was one made by free choice and the Territory be removed from the United Nations list of Non-Self-Governing Territories,

Recalling also the statements by the members of the Special Committee present at the Pacific regional seminar and the clarification by the Secretariat regarding United Nations procedures in this regard,

Noting the communication addressed to the Chair of the Special Committee by the opposition leader of Montserrat expressing concern that the Premier had no prior discussion with Montserrat's legislature over the content of his statement before requesting the Special Committee to remove the Territory from the United Nations list of Non-Self-Governing Territories,

Noting also the approval of a new Constitution in 2010 and the work of the territorial Government to update the relevant parts of the Territory's legislation so that the Constitution could enter into force in September 2011,

Aware that Montserrat continues to receive budgetary aid from the administering Power for the operation of the territorial Government,

Recalling the statements made by participants at the 2012 Pacific regional seminar encouraging the administering Power to commit sufficient resources to meet the Territory's special needs,

Noting with concern the continued consequences of the 1995 volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, which continues to have enduring consequences for the economy of the island,

Acknowledging the continued assistance provided to the Territory by States members of the Caribbean Community, in particular Antigua and Barbuda, which has offered safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

Noting the continuing efforts of the administering Power and the territorial Government to deal with the consequences of the volcanic eruption,

[15] A/AC.109/2012/10.

Cognizant of the potential usefulness of regional ties for the development of a small island Territory, and of the Territory's membership in the Caribbean Overseas Countries and Territories Council,

1. *Welcomes* the approval of a new Constitution for the Territory, which entered into force in 2011, and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the accession of the Territory, in 2012, to the Economic Union Treaty of the Organization of Eastern Caribbean States and its active participation in the work of the Economic Commission for Latin America and the Caribbean;

4. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption;

VIII
Pitcairn

Taking note of the working paper prepared by the Secretariat on Pitcairn[16] and other relevant information,

Taking into account the unique character of Pitcairn in terms of population, area and access,

Aware that the administering Power and the territorial Government have implemented a new governance structure to strengthen administrative capacity in the Territory, based on consultations with the people of the Territory, and that Pitcairn continues to receive budgetary aid from the administering Power for the operation of the territorial Government,

Noting that the administering Power and the Pitcairn Government are currently working on a five-year strategic development plan for the island,

1. *Welcomes* all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial

[16] A/AC.109/2012/3.

Government on how best to support socioeconomic and environmental security in Pitcairn;

4. *Welcomes* the work carried out on the preparation of a five-year strategic development plan for the island;

IX
Saint Helena

Taking note of the working paper prepared by the Secretariat on Saint Helena[17] and other relevant information,

Recalling the statement of the representative of Saint Helena at the Caribbean regional seminar, held in Frigate Bay, Saint Kitts and Nevis, from 12 to 14 May 2009,

Taking into account the unique character of Saint Helena in terms of its population, geography and natural resources,

Cognizant that Saint Helena continues to receive budgetary aid from the administering Power for the operation of the territorial Government,

Aware of the efforts of the administering Power and the territorial Government to improve the socioeconomic conditions of the population of Saint Helena, in particular in the areas of employment and transport and communications infrastructure,

Noting the efforts of the Territory to address the problem of unemployment on the island and the joint action of the administering Power and the territorial Government in dealing with it, including through the Labour Market Strategy 2012-2014 and the Sustainable Economic Development Plan 2012/13-2021/22,

Noting also the importance of improving the infrastructure and accessibility of Saint Helena, and, in this regard, the administering Power's approval in 2011 for building an airport on the island of Saint Helena,

1. *Stresses* the importance of the Territory's 2009 Constitution;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Requests* the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the Territory's socioeconomic development challenges, including unemployment and limited transport and communications infrastructure;

4. *Calls upon* the administering Power to take into account the unique geographical character of Saint Helena while resolving any emerging issues related to the airport construction;

[17] A/AC.109/2012/5.

X
Turks and Caicos Islands

Taking note of the working paper prepared by the Secretariat on the Turks and Caicos Islands[18] and other relevant information,

Recalling the statement of the representative of the Turks and Caicos Islands at the Caribbean regional seminar, held in Frigate Bay, Saint Kitts and Nevis, from 12 to 14 May 2009,

Recalling also the dispatch of the United Nations special mission to the Turks and Caicos Islands in 2006, at the request of the territorial Government and with the concurrence of the administering Power,

Aware of the 2002 report of the Constitutional Modernization Review Body, and acknowledging the Constitution agreed between the administering Power and the territorial Government, which entered into force in 2006,

Noting the administering Power's decisions to suspend parts of the 2006 Constitution of the Turks and Caicos Islands, covering the constitutional right to trial by jury, ministerial Government, and the House of Assembly, following the recommendations of an independent Commission of Inquiry and the ruling of the administering Power's Court of Appeal, to present a draft constitution for public consultation in 2011, and to introduce a new constitution for the Territory,

Noting also the continued postponement of elections in the Territory,

Acknowledging the impact that the global economic slowdown and other relevant developments have had on tourism and related real estate development, the mainstays of the Territory's economy,

1. *Notes with grave concern* the ongoing situation in the Turks and Caicos Islands, and notes the efforts of the administering Power to restore good governance, including through the introduction of a new 2011 constitution, the projected holding of elections in November 2012 and sound financial management in the Territory;

2. *Calls for* the restoration of constitutional arrangements providing for representative democracy through an elected territorial Government as soon as possible;

3. *Notes* the positions and repeated calls of the Caribbean Community and the Movement of Non-Aligned Countries for the restoration of a democratically elected territorial Government as a matter of urgency, and also notes the view expressed by the administering Power that elections should not be postponed any longer than necessary;

4. *Also notes* the extensive public consultations undertaken by the Constitutional and Electoral Reform Adviser and the continued debate on constitutional and electoral reform within the Territory, and stresses the importance of participation by all groups and interested parties in the consultation process;

5. *Stresses* the importance of having in place in the Territory a constitution that reflects the aspirations and wishes of the people of the Territory, based on the mechanisms for popular consultation;

[18] A/AC.109/2012/9.

6. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

7. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

8. *Also welcomes* the continuing efforts made by the territorial Government addressing the need for attention to be paid to the enhancement of socioeconomic development across the Territory;

XI
United States Virgin Islands

Taking note of the working paper prepared by the Secretariat on the United States Virgin Islands[19] and other relevant information,

Aware that under United States law the relations between the territorial Government and the federal Government in all matters not the programme responsibility of another federal department or agency are under the general administrative supervision of the Secretary of the Interior,[20]

Aware also of the fifth attempt of the Territory to review the existing Revised Organic Act, which organizes its internal governance arrangements, as well as its requests to the administering Power and the United Nations system for assistance to its public education programme,

Cognizant that a draft constitution was proposed in 2009 and subsequently forwarded to the administering Power, which in 2010 requested the Territory to consider its objections to the draft constitution,

Aware of the closing of the Hovensa plant in 2011 and the negative impact on manufacturing and the labour situation in the Territory,

Cognizant of the potential usefulness of regional ties for the development of a small island Territory,

1. *Welcomes* the proposal of a draft constitution emanating from the Territory in 2009, as a result of the work of the United States Virgin Islands Fifth Constitutional Convention, for review by the administering Power, and requests the administering Power to assist the territorial Government in achieving its political, economic and social goals, in particular the successful conclusion of the ongoing internal Constitutional Convention exercise;

2. *Requests* the administering Power to facilitate the process for approval of the proposed territorial constitution in the United States Congress and its implementation, once agreed upon in the Territory;

3. *Also requests* the administering Power to assist the Territory by facilitating its work concerning a public education programme, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, calls upon the

[19] A/AC.109/2012/8.

[20] United States Congress, Revised Organic Act, 1954.

relevant United Nations organizations to provide assistance to the Territory, if requested;

4. *Expresses* its concern regarding the negative impact of the Hovensa plant closure;

5. *Reiterates its call* for the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;

6. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

7. *Also welcomes* the holding, for the first time at the level of heads of territorial Government, on 12 May 2011, of the meeting of the Inter-Virgin Islands Council between the Territory and the British Virgin Islands.